*HON'BLE SRI JUSTICE L.NARASIMHA REDDY

+WRIT PETITION No.19161 OF 2005

% 13th September 2005

Ubed-ur-Rahman Khan

…Petitioner

And

$ The Convener, EAMCET-2005,

NTR Health University, Vijayawada & others.

…Respondents

! Counsel for the petitioner : Mr.K.Vasudeva Reddy

^ Counsel for respondents : Mr.D.V.Nagarjuna Babu, Standing Counsel

< Gist:

> Head Note:

? Cases referred:

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO. 19161 OF 2005

Dated 13th September 2005

Between:

Ubed-ur-Rahman Khan, S/o.Mustafa Rahman Khan,

Aged 17 years, R/o.Rukmapur village of

Karimnagar District, being minor, rep. by his

Father Sri Mustafa Rahman Khan.

…Petitioner

And

The Convener, EAMCET-2005,

NTR Health University, Vijayawada, Krishna District &

Others.

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO. 19161 OF 2005

O R D E R:

The petitioner appeared in the EAMCET examination, held in the year 2005,

to qualify for admission in the First Year of MBBS/BDS course. He secured rank No.45216. He was not selected for admission into any of the colleges, in the usual course. Petitioner claims to have secured Silver Medal, in Hammer Throw, at 19th Junior Athletic Championship at National level. The respondents reserved 0.50% of available seats, in favour of the candidates who have participated in the sports and games. Placing reliance upon G.O.Ms.No.27, dated 4.6.2005, issued by the Government of Andhra Pradesh, the petitioner contends that the respondents ought to have maintained 1:1 ratio, between boys and girls, in the matter of selecting candidates, against sports category. He complains that more number of girls were selected, and had the balance been maintained, the petitioner would have stood for selection.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the University.

Under the admission rules, the State of Andhra Pradesh reserved 0.50% of available seats, in favour of the candidates who have participated in sports and games. The Government issued G.O.Ms.No.27, dated 4.6.2005, furnishing the list of recognized sports and games, as well as prescribing the method of selection. The provision, on which the petitioner places reliance, reads as under:

> "**f)** Equal opportunity shall be extended to both boy and girl candidates. In case of one area is less represented than the other, the left over seats will be made available to the other candidates."

The prospectus issued by the University contains the list of priorities, as well as the recognized games and sports. As many as 90 priorities are furnished, depending on the level of the events, and nature of the accomplishment of the candidates. The performance of the petitioner, with reference to the event he has participated, enables him to be placed in priority No.40. This evaluation was made by the Sports Authority of Andhra Pradesh. The record discloses that the candidates were available, up to priority No.27 itself. The submission on behalf of the petitioner that the priorities have to be ignored to ensure the maintenance of ratio, cannot be accepted.

A perusal of the provision referred to above, discloses that the ratio has to be maintained up to the concerned area. In other words, if the candidates up to the required number are available, up to a particular priority, say 25, effort should be made to ensure the maintenance of ratio, up to that level only. The said provision is clear to the effect that in case, adequate number of candidates of one category, i.e. girls or boys, are not available, up to that area, the remaining seats can be filled up by the other category. Under no circumstances, it is permissible to choose a candidate at a lower priority, to make up the deficiency in the ratio. Admittedly, the last priority up to which candidates are available is 27, whereas the petitioner occurs at priority No.40. Therefore, this Court does not find any basis to grant any relief to the petitioner.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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13th September 2005

Note: L.R.copies be marked.

(B/o)

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